

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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RESORTS GROUP, INC.,

Plaintiff,

- against -

CERBERUS CAPITAL MANAGEMENT, L.P.,
CRE BUSHKILL GROUP, LLC, CRE NIAGARA
HOLDINGS, LLC, CRE NIAGARA
PARTICIPATION HOLDINGS, LLC and CLUB
EXPLORIA, LLC,

Defendants.
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Civil Action No. 1:20-cv-03863

ORDER

Having reviewed and considered Defendants CRE Niagara Holdings, LLC (“CRE Niagara”), Club Exploria, LLC (“Club Exploria”), CRE Niagara Participation Holdings, LLC (“CRE Niagara PH”), and CRE Bushkill Group, LLC’s (“CRE Bushkill”) Motion to Dismiss Plaintiff’s Complaint and Cerberus Capital Management L.P.’s (“Cerberus” and, collectively with CRE Niagara, Club Exploria, CRE Niagara PH, and CRE Bushkill, “Defendants”) Notice of Joinder, the August 10, 2020 letter from Plaintiff Resorts Group, Inc., and all other pleadings and documents properly before the Court, it is, pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure, hereby:

ORDERED that Defendants’ Motion to Dismiss for lack of subject-matter jurisdiction is GRANTED;

IT IS FURTHER ORDERED THAT Plaintiff’s claims against Defendants are dismissed without prejudice pursuant to Rule 12(b)(1) due to a lack of subject matter jurisdiction.

DATED: 8/10/2020



The Honorable Lewis J. Liman